

No nuncupative will shall be established unless made in accordance with law.

Senator Williamson moved its rejection.

The yeas and nays stood thus:

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Cuneey, Grimes, Jewett, Kinney, McKinney, McNeel Miller, Navarro, Parker, Phillips, Robinson, Scott, Williams, Williamson, and Wood.—19.

*Nays.* Senators, Hogg and Wallace.—2. Rejected.

Senator Phillips offered the following amendment.

Section seventeenth, thirteenth line, after the word "negroes" insert "by families." Adopted.

On motion of Senator Jewett, the bill was laid on the table until to-morrow.

Senate adjourned until to-morrow 10 o'clock A. M.

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SENATE CHAMBER }  
WEDNESDAY April 1, 1846 }  
10 o'clock A. M.

Senate met, pursuant to adjournment—roll called and a quorum present.

Journals of the preceding day read and adopted.

Senator Scott, Chairman of the committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed, the following bills:

A bill to incorporate Lamar Academy in the county of Lamar.

A bill to incorporate Duvall Academy in the county of Fannin.

A bill to organize the militia of the State of Texas.

Senator Scott, Chairman of the committee on Enrolled Bills, reported that the committee had examined and found correctly enrolled, the following bill:

An act to exclude from office, serving on juries, and from the right of suffrage, all persons who may hereafter be convicted of bribery, perjury, subornation of perjury, forgery, counterfeiting, larceny or other felony, or treason against this State or the United States.

Senator Jewett presented the petition of Geo. W. Terrell,

praying compensation for services as Charge d'Affairs to England

Read and referred to the committee on Claims and Accounts, with a request that the same committee of the House, act in conjunction with that of the Senate on said petition.

Senator Grimes introduced a bill to authorize suits against the State. Read 1st time.

Senator Bagby introduced a bill to create the county of Titus. Read 1st time.

Senator McKinney introduced a bill to define in what manner judgment shall operate as a lien on real estate. Read 1st time.

Also a bill to authorize the Governor to suspend public officers in the discharge of their official duties. Read 1st time.

### ORDERS OF THE DAY.

A bill for the relief of purchasers of town or city lots of the late republic of Texas.

Senator McKinney offered a substitute for the bill.

Bill and substitute referred to the committee on Finance.

A bill defining the mode of conveying property in which the wife has an interest. Read 3d time.

The yeas and nays being called on the passage of the bill, stood as follows:

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Grimes, Jewett, Kinney, McKinney, Navarro, Phillips, Parker, Robinson, Scott, Williams, Williamson, and Wood.—16.

*Nays.* Senators, Hogg, McNeel, Miller, and Wallace.—4.

So the bill passed.

Senator Hogg, Chairman of the committee on the Judiciary, to whom was referred a bill to organize the District Courts of the State of Texas, reported, that having considered the same, a majority of the committee recommend the passage of the bill with amendments.

A bill requiring County Surveyors to record certain field notes; read 3d time and passed.

A bill to authorize the settlement of disputes by conciliation or arbitration; read 3d time and passed.

A bill to incorporate Lamar Academy in the county of Lamar; read 3d time and passed.

A bill to incorporate Duvall Academy in the county of Fannin; read 3d time and passed.

A bill to incorporate the Grand Lodge of the Independent

Order of Odd Fellows of the State of Texas; read 3d time and passed.

A message was received from the House, through Ben. F. Hill, Chief Clerk, informing the Senate of the passage of a bill, to provide for the enumeration of the inhabitants of the State of Texas, which originated in the Senate--and that it had passed the following bills:

A bill to provide for the organization of the several counties in this State.

A bill to raise a revenue by direct taxation.

A bill to prescribe the manner of organizing the House of Representatives of the State of Texas.

A bill to define the boundaries of Robertson county.

A joint resolution for disposing of the public buildings in the city of Austin; which originated in the House; and requested concurrence of the Senate to the same.

A bill to organize Probate Courts.

Senator Phillips moved to strike out the words "of this State" in the 23rd section, 6th line. Lost.

Senator Scott offered the following amendment to 22nd section:

In 4th line insert after the word "the" "the late Republic of Texas." Adopted.

Senator Williamson moved to strike out the 22nd section.—Lost.

Senator Phillips moved to strike out "three years" in 23rd section. Carried.

Senator Grimes moved to fill the blank with "four years" in 23rd section.

Yeas and nays stood thus:

*Yeas.* Senators, Bagby, Bourland, Brashear, Cuney, Grimes, Hogg, McNeel, Navarro, and Williams—9.

*Nays.* Senators, Burleson, Jewett, Kinney, McKinney, Miller, Parker, Phillips, Robinson, Scott, Wallace, Williamson, and Wood.—12. Lost.

Senator Robinson offered the following amendment, to come in where "three years" was stricken out:

"Continue the administration of the estate as the condition of the same in the opinion of the Judge may require—upon good cause shown by the administrator in writing, and verified by affidavit." Adopted.

Senator Scott offered the following amendment:

Add to 19th section — "and unless in the opinion of the Probate Judge it be necessary to sell land and negroes for

cash, *provided*, the property shall bring two-thirds of its value" Rejected.

Senator Jewett moved to strike out "rebate" and insert "discount" in 22nd section. Carried.

Senator Phillips moved to strike out "four years" in 1st section. Lost.

On motion of Senator Williamson, 100 copies of the bill were ordered to be printed for the use of both Houses of the Legislature.

Amendments of the House, to a bill to create the county of Collin—concurrent in.

A bill to create the county of Denton—ordered to be engrossed

A bill creating the county of Grimes—passed to 3d reading.

A bill to establish the Judicial Districts of the District Courts.

Senator Williams moved to lay the 5th, 6th and 8th sections of the bill, on the table. Lost.

On motion of Senator Hogg, the bill was read by sections.

First and second sections adopted.

Senator Williams offered a substitute for the third section.

*Be it further enacted*, That the following named counties shall compose the 3rd Judicial District, to wit: Washington, Milam, Burleson, Brasos, Robertson, Limestone, Leon, Navarro, and Houston. Rejected, and section adopted.

Third and fourth sections adopted.

Senator Williams moved to lay 5th section on the table.—Lost and section adopted.

Sixth, seventh, eighth, and ninth sections adopted, and bill ordered to be engrossed.

A bill to allow land holders to pay their land dues in specie—ordered to be engrossed.

A bill providing for the appointment of Patrols.

Senator Robinson moved to strike out "leader" and insert "captain." Carried.

On motion of Senator McKinney, bill laid on the table until to-morrow.

A bill to organize the militia of the State of Texas.

Senator Williamson moved to adjourn until 10 o'clock A. M. to-morrow.

*Yeas.* Senators, Bourland, Brashear, Burleson, Hogg, Jewett, Kinney, McKinney, Phillips, Robinson, Wallace, and Williamson,—11.

*Nays.* Senators, Bagby, Cuney, Grimes, McNeel, Miller, Parker, Scott, Williams, and Wood.—9. Carried.

SENATE CHAMBER, }  
THURSDAY, April 2, 1846. }  
10 O'CLOCK A. M.

Senate met pursuant to adjournment, roll called and a quorum present.

Journals of the preceding day were read and adopted.

The President announced a communication from Gen. Jas. Hamilton, thanking the Senate for the compliment paid him by a resolution—which was read.

Senator Scott, Chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to establish the Judicial Districts of the District Court.

A bill to create the county of Denton.

A bill to authorize the payment of Government dues on land in specie.

A message from the House, transmitting a bill to establish and define the limits of San Patricio county; a bill creating the county of Limestone; and informing the Senate that the House had passed with amendments,

A bill creating the county of Smith;

A bill to create the county of Cherokee;

And without amendments, a bill to allow defendants to plead a partial failure of consideration.

The committee on Finance, Senator Grimes Chairman, recommended the rejection of the bill to give fines and penalties imposed or assessed in and by any court of this State, to the county in which they are assessed; and reported a substitute for the bill for the relief of purchasers of town and city lots of the late Republic of Texas.

The committee on Enrolled Bills, Senator Scott Chairman reported the correct enrollment of the bill to create the county of Collin, which being signed by the speaker of the House of Representatives and President *pro tem.* of the Senate, was this day presented to his Excellency the Governor for his approval.